**In the High Court for the States of Punjab and Haryana, at Chandigarh.**

C.R.No.4864 of 2007(O&M)
Decided on Sept 21,2007.

Raghbir Singh -- Petitioner.

vs.

Gurdev Singh -- Respondent.

Present: Mr.S.S.Salar,Advocate,for the petitioner

**Permod Kohli, J:(Oral)**

This revision is directed against the order dated July 26,2007, passed by the Additional Civil Judge (Senior Division), Sangrur, where by amendment of the plaint has been allowed.

From the impugned order, it is evident that during the pendency of the trial of the suit, a Local Commissioner was appointed, who submitted his report to the Court,where he stated that encroached area is 1 biswa 18 biswasi,whereas in the plaint originally filed, only 12 biswasis area was alleged to be encroached. Based upon the report, the plaintiff made an application for amendment so as to seek relief in respect to alleged total encroached area as indicated by the Commissioner. The trial Court has allowed the application with a view to effectively decide the rights of the parties.

The only contention raised on behalf of the petitioner is that under proviso to Order 6 Rule 17 of Code of Civil Procedure such amendment is not permissible.

I am unable to accept this contention. Proviso to Order 6 Rule 17 of C.P.C. is not attracted in the present case as the subsequent event has occurred during the pendency of the trial of the suit. Otherwise also, the trial Court found that the amendment is necessitated in view of the report of the Local Commissioner. I do not find any illegality or infirmity in the order impugned.

Revision is dismissed in limine.

**Sept 21,2007** **(Permod Kohli)**
**RR** **Judge**